

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TOOLA O. TAYLOR,

Petitioner,

v.

RICK HARRINGTON,

Respondent.

No. 12-cv-1099-DRH-DGW

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

On October 15, 2012, Toola Taylor filed a Section 2254 petition for a writ of habeas corpus (Doc. 1). Taylor argues that his conviction is unconstitutional due to ineffective assistance of counsel. On March 11, 2013, respondent Michael Atchison¹ filed a motion to dismiss or stay the petition (Doc. 25) for lack of exhaustion of state remedies.

On June 14, 2013, pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge Donald G. Wilkerson submitted a Report and Recommendation (“R&R”) recommending that the Court grant respondent’s motion to dismiss and dismiss Taylor’s petition for failure to exhaust.

The R&R was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” by July 1, 2013. To date, none of the parties have filed objections, and the period in which to file objections has

¹ Rick Harrington is now petitioner’s custodian and is thus substituted as respondent. See Habeas Corpus Rule 2(a); Fed. R. Civ. P. 25 (d); *Bridges v. Chambers*, 425 F.3d 1048, 1049 (7th Cir. 2005).

expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo* review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Thus, the Court **ADOPTS** the R&R in its entirety (Doc. 31). The Court **GRANTS** respondent's motion to dismiss the petition (Doc. 25) and **DISMISSES without prejudice** the petition.

IT IS SO ORDERED.

Signed this 12th day of August, 2013.

 David R.
Herndon
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**Chief Judge
United States District Court**